

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

SEABRON MACKUNDRA MILLENDER	§	
	§	
v.	§	1:10cv49 HSO
	§	1:08cr91 HSO-RHW
UNITED STATES OF AMERICA	§	

**ORDER REQUIRING ANSWER BY THE UNITED STATES
ATTORNEY AND ADVISORY TO DEFENDANT**

BEFORE THE COURT is the Motion [112-1] of Defendant Seabron Mackundra Millender, to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody filed pursuant to 28 U.S.C. § 2255. Pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings For The United States District Courts (“§ 2255 Rules”) preliminary consideration of Defendant’s claims establishes that summary dismissal is not warranted. Accordingly,

IT IS, ORDERED AND ADJUDGED, that copies of Defendant’s pleadings and this Order shall be served by the Clerk of the Court upon the United States Attorney.

IT IS, FURTHER, ORDERED AND ADJUDGED, that the United States Attorney shall file an answer or other responsive pleading **within thirty (30) days** after receipt of this Order, and shall forward a copy of same to Defendant. The answer shall be in the form provided by Rule 5(b) of the § 2255 Rules.

DUTY TO INFORM COURT OF CHANGE OF ADDRESS

Defendant is **ORDERED** to immediately notify the Clerk of Court and the United States Attorney in writing of any change in his address. He shall caption

any such change of address advisories as "Notice to the Court of Change of Address" and not include any motions or other matters in such notice. This notice shall contain only information pertaining to the address change and the effective date of such change of address. Failure by Defendant to immediately notify the Clerk of Court and the United States Attorney of any change in Defendant's mailing address will be interpreted by the Court as a failure to prosecute and may result in the dismissal of Defendant's Motion.

DUTY TO SERVE OPPOSING COUNSEL

Defendant is advised that he is obligated under both the Federal Rules of Civil Procedure and this Court's Local Rules to send to the United States Attorney a copy of all pleadings, motions or other documents he submits to the Clerk of this Court for filing. The Court may not consider any pleading, motion, or other document submitted for filing by Defendant that fails to contain a "Certificate of Service" stating the date and method (e.g., hand delivery, certified mail or regular mail), by which Defendant sent a copy of that pleading, motion or document to the United States Attorney.

SO ORDERED AND ADJUDGED this the 1st day of March, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE